SUPREME COURT OF THE UNITED STATES

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In the Matter of

D-613

GEORGE SASSOWER, Esq.

An Attorney.

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RESPONDENT'S MEMORANDUM OF LAW

QUESTIONS PRESENTED

1a. Should this Honorable Court blithely strike respondent from its roll of attorneys, without a hearing, based simply on a state Disbarment Order (a) where not a known single American judge, including those transactionally involved, is willing to assert that such state Disbarment Order was lawfully issued; (b) where, after oral presentation, Hon. VINCENT L. BRODERICK, U.S.D.J. concluded, that a hearing was warranted before federal respect was to be given to such state Disbarment Order; and (3) where no judge nor court, in thirty-seven (37) active years of practice, after a fundamentally fair hearing, trial, or submission, in any matter, has ever found that respondent to have wilfully violated any court order, except under justifiable or excusable circumstances?

b. Simply stated, respondent is a seasoned attorney and recognizes that he neither serves his clients nor himself by inexcusable disobedience to lawful judicial orders.

2a. What action should this Honorable Court take in view of respondent's strong assertions of judicial misconduct, including at the federal circuit court level, and respondent's dramatic evidence to prove same (Code of Judicial Conduct, Canon 3B3)?

b. Otherwise stated, will respondent, and others, be compelled to seek legislative and media relief, where once again, the contempt (non-summary) power is being judicially abused, with the respondent and others being repeatedly convicted, sentenced, and incarcerated, without benefit of trial (see Sassower v. Sheriff (651 F. Supp. 128 [EDNY, per Edelstein, J.]), caused to be the object of in terrorem tactics, simply as a result of, inter alia, their knowledge of judicial misconduct?

These trial-less, and sometimes accusing-less, unconstitutional convictions and incarcerations, for non-summary criminal contempt, were adopted, when by employing the "old fashioned", "due process", methods, vindications or results other than guilty, were the invariable results.

RESPONDENT'S CONTENTION

1. Respondent, simply desires, and believes himself entitled to, a fundamentally fair hearing by an appointee of this Honorable Court, so that this Court can make an informed, intelligent, independent, and lawful determination on the issues involved, or any other issue that this Court believes worthy of inquiry -- nothing more!

STATEMENT

1a. I, GEORGE SASSOWER, Esq. [respondent], an attorney of extraordinary honesty and integrity know of no legitimate reason for being struck as an attorney from the rolls of this Honorable Court, and respectfully request the appointment of a committee or a master so that I can prove my exemplary professional character and dedication to oath of office.

b(1) I, the respondent say, the state Disbarment Order, as well as the underlying trial-less criminal convictions to be nullities, entitled to "no respect by any other court", as a matter of law, and know of no judge nor legal scholar in this entire nation who would be willing to testify otherwise (Ex parte Terry, 128 U.S. 289, 307; Windsor v. McVeigh, 93 U.S. 274, 277; United States v. Lumumba, 741 F.2d 12, 15-16 [2d Cir.]).

(2) On April 10, 1987, along with a copy of my response to this Court of the same date, I wrote to Chief Judge, WILFRED FEINBERG, Circuit Judge, IRVING R. KAUFMAN, and Circuit Judge, THOMAS J. MESKILL, with a copy to the Chief Justice of this Honorable Court, as follows:

> "Enclosed please find my response to the rule of the Supreme Court of the United States with respect to the above disbarment proceeding, wherein I claim entitlement to Brady v. Maryland (373 U.S. 83) material, and response to my United States v. Agurs 427 U.S. 97) demands.
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> My few and simple demands, in addition to my Brady v. Maryland (supra) request, are:
>
> 1. Individually, did Your Honors know on September 13, 1985, as a matter of ministerial compulsion, a federal district court judge did not have the jurisdictional power to convict anyone for non-summary criminal contempt, without a trial, absent a plea of guilty?
>
> 2. Did Your Honors have substantial evidence before September 13, 1985, conclusive or otherwise, that Kreindler & Relkin, P.C., and its clients, those in whose favor such criminal contempt convictions were rendered, had engineered the larceny of the judicial trust assets of PUCCINI CLOTHES, LTD.?
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> 3. What have Your Honors or the Court done, if anything, concerning the information that these criminal convictions are being compounded for private considerations, reaching into sums of hundreds of thousand of dollars?

4. Even on an ex parte, inquest basis, was there a prima facie case for conviction of HYMAN RAFFE and/or myself, in the papers before Your Honors, for conviction for non-summary criminal contempt?

5. Is there any significant fact in my response to the Supreme Court of the United States, which Your Honors take exception to?

6. Is there any legitimate reason that Your Honors can advance for my not extensively publishing the happenings in this and related matters?"

(3) A substantially similar letter was addressed to Presiding Justice, THEODORE R. KUPFERMAN, who, on appeal, was the panel presiding jurist in all three (3) of my state convictions.

(4) On May 4, 1987, I wrote to the Chief Justice of this Court, with a copy to, inter alia, every jurist in the Appellate Division, Second Judicial Department, as follows:

"1. I most respectfully request that Your Honor's Court discharge the rule to show cause (U.S. , 107 S.Ct. 1365, 94 L.Ed.2d 682), until such time as a single member of the Appellate Division, Second Judicial Department is willing to swear under oath or affirm to Your Honor's Court that such Court gave good-faith obedience to the Constitution of the United States in disbarring me (Grievance Committee v. G. Sassower (A.D.2d , 512 N.Y.S.2d 203).

2a. Undoubtedly each and every learned member of that Court actually knows that the three (3) trial-less convictions for non-summary criminal contempt, were 'not entitled to respect' (Ex parte Terry, 128 U.S. 289, 307; United States v. Lumumba, 741 F2d. 12, 15-16 [2d Cir.]; Sassower v. Sheriff, 651 F. Supp. 128). Nevertheless, in the disciplinary proceedings, I was not permitted to controvert the validity of such convictions.

Each and every attempt by my adversaries to obtain a conviction by due process, simply failed, and consequently, these trial-less convictions were staged as a predicate for disbarment.

b. Undoubtedly also, in such quasi-criminal disciplinary proceedings (Matter of Ruffalo, 390 U.S. 544, 551), wherein I was denied all subpoena power, each and every member of that Court actually knows that such prohibition constituted a manifest violation of my VI and XIV Amendment rights.

c. In view of the aforementioned, I need not delve into the many other federal constitutional deprivations.

3. I strongly assert that the implied request by the Appellate Division, to Your Honor's Court to give recognition to such Disbarment Order, without disclosing its many constitutional decisive infirmities, is an affirmative act of deceit.

4a. Today, begins the eighty-fourth (84th) month since PUCCINI CLOTHES, LTD., was involuntarily dissolved, its assets and affairs becoming custodia legis under color of law, and despite multiple statutory mandates, there is still no filed accounting.

b. No true accounting can be filed without revealing the massive larceny of its judicial trust assets, and other criminal conduct, with judicial and official involvement.

c. Must the good repute of Your Honor's Court be made vulnerable, when the media and public learns that Your Honor's Court disbarred me for simply exposing judicial and official misconduct?

d. In every respect, the Appellate Division, wilfully practiced 'lynch law ... intent on on [my professional] death' (Holmes, J., dissenting in Frank v. Mangum, 237 U.S. 309, 350), in a sordid scenario to conceal criminal conduct.

(5) The lack of response from any of the aforementioned jurists speaks with an ear-shattering eloquence.

c. I will defend the Constitution of the United States and its legitimate institutions, in this bicentennial, and every other, year, and if disbarment are the wages for such dedication, I accept same without shame.

2a. In my country (1) no person will ever again be convicted, sentenced, and incarcerated, without benefit of trial, absent a plea of guilty; (2) no person will ever again be made subject to Orders directing the Sheriff to "break-into" his premises, "seize all word processing equipment and soft ware", and "inventory" his possessions; (3) no person will ever again have his bank deposited assets "seized" under a "phantom" judgment; (4) no person will ever again be met with an application to have the Sheriff "break-into" his home to have his "non-interest bearing mattress" "ripped apart" to satisfy a [phantom] judgment; (5) no person will ever again have his related and unrelated judicial proceedings "fixed" in order to cause him financial ruin and bankrupcy; (6) no attorney will ever again be made subject to twenty-five (25) contempt proceedings in one (1) year, all with the same contentions, assertions, and evidence, and when twenty-four (24) result in verdicts other than guilty, be informed in a disciplinary proceeding, that the twenty-four (24) proceedings are irrelevant, only the trial-less twenty-five (25th) conviction is deemed conclusive as to his guilt; (7) no person, as was respondent's client, will ever again be compelled to pay hundred of thousands of dollars, surrender rights worth in the millions, including releases to his prosecutors and their stable of corrupt judges, in order not to be incarcerated under trial-less unconstitutional convictions; and (8) no attorney will ever again be advised to surrender his honesty, his integrity, his dedication to professional responsibility, under pains of incarceration and/or disbarment.

b. My ship may sink, but I will never strike the flag of my country, nor its ideals!

THE QUINTESSENTIAL FACTS IN A NUTSHELL

BACKGROUND:

1a. Respondent caused the surfacing of the massive larceny of the judicial trust assets of PUCCINI CLOTHES, LTD. ["Puccini"], which was involuntarily dissolved on June 4, 1980.

b. An unintended result of such exposure of criminal activity was the involvement of members of the judiciary, state and federal.

c. Although there are multiple statutory mandates which compel a filed disclosure of Puccini's assets and an accounting "within one year", "each and every year" (Bus. Corp. Law §1216[a]; §1207[A][3]; 22 NYCRR §202.52[e], 202.53) none has been rendered, although almost seven (7) years have now elapsed.

d. There simply cannot be a true accounting filed without the disclosure of the massive larceny of judicial trust assets and judicial corruption, unless respondent can be compelled to succumb.

2a. Respondents views his professional obligations to be the "zealous" advancement of his client's and his own legitimate rights (Code of Professional Responsibility, Canon 7), and to affirmatively react to misconduct (Disciplinary Rule, 1-103).

b. Respondent intends to obey such mandates, with or without his thirty-seven (37) year old license.

c. Respondent's professional and societal obligations are non-negotiable, as proven by his failure to succumb after three (3) incarcerations within one (1) year, pursuant to trial-less convictions, and other unlawful in terrorem tactics.

d. Respondent accepts, with honor, his trial-less incarcerations, his compelled bankrupcy, and his state disbarment.

THE DISCIPLINARY PROCEEDINGS:

3. The unconstitutional format for the disciplinary proceedings patently reveals a pre-determination to convict (Frank v. Mangum, supra, Holmes, J., dissenting).

a. Respondent was not permitted to show that he was being made the subject to a selective and invidious prosecution (Yick Wo v. Hopkins, 118 U.S. 356; East Coast v. Town of Babylon, 174 F.2d 106, 112 [2d Cir., per L. Hand, J.]; People v. Utica Daw's Drug, 16 A.D.2d 12, 225 N.Y.S.2d 128 [4th Dept.]).

b. Respondent was not permitted to show that the disciplinary proceeding was retaliatory in nature motivated solely for his refusal to agree to a "code of silence" concerning criminal activities in the judicial forum (North Carolina v. Pearce, 395 U.S. 711, 725).

c. Respondent was not permitted to controvert the legality of the four (4) trial-less non-summary criminal contempt convictions, or show they were "not entitled to respect" (Ex parte Terry, supra; Windsor v. McVeigh, supra; United States v. Lumumba, supra).

d. Once Sassower v. Sheriff (supra) had been determined, and the validity of the holding not disputed, Counsel for the Grievance Committee, Robert H. Straus, Esq., had the affirmative duty to withdraw all other trial-less convictions against respondent, which admittedly contained the same infirmities, not simply the one (1) conviction resolved by the federal tribunal (Giglio v. United States, 405 U.S. 150; Berger v. United States, 295 U.S. 78).

e. Respondent was not permitted to show that had he been afforded "due process", no conviction could have possibly been obtained (cf. Coe v. Armour Fertilizer, 237 U.S. 413, 424).

f. Respondent was not permitted to show that in multiple other non-summary criminal contempt proceedings, based on the same accusations, assertions, contentions, and evidence, respondent had been resoundingly vindicated, or had results other than guilty on numerous occasions (Benton v. Maryland, 395 U.S. 784; Smalis v. Pennsylvania, U.S. , 106 S.Ct. 1745; People v. Farson, 244 N.Y. 413).

It was only the convictions, albeit manifestly unconstitutional, that counted, not the vindications, albeit based on the same accusations, contended the prosecutor, a position adopted by the specially selected referee.

g. On charges on which each and every jurist, at times, exceeding twenty (20) in number, had unanimously found that respondent had not violated a particular order, after due process had been afforded, the appointed referee held he was not bound by such unanimous holdings and found otherwise (United States v. Oppenheimer, 242 U.S. 85).

Even when it was impossible for respondent to have violated a particular order, and numerous jurists unanimously found that it had not been violated, Robert H. Straus, Esq., contended it had been violated, and the referee so found.

h. All respondent's United States v. Agurs (427 U.S. 97) demands were simply ignored.

i. No Brady v. Maryland (373 U.S. 83) material was supplied, although repeatedly demanded, and the limited cross-examination permitted, revealed that Mr. Straus' presentation proliferated with perjurious testimony and fabricated documentation, some of which carried the Straus logo.

j. Months before the commencement of the hearings, Mr. Straus' attention was drawn to the fact that he was an essential testimonial witness, involving his own credibility, and he refused to withdraw from the proceeding.

Indeed, Mr. Straus testified, and any impartial reading of his testimony reveals a total lack of credibility.

k. Even strict obedience, was held to be punishable.

When respondent, giving obedience to an Order of Mr. Justice IRA GAMMERMAN, which prohibited him (Sassower v. Sheriff, supra, at p. 131) "from ... correspond[ing] with a professional disciplinary or grievance committee.", refused to send Mr. Straus an Order because of the aforementioned injunction, and advised him to get same from respondent's adversary or the County Clerk, which Straus did, respondent was found guilty of non-cooperation, because of this single incident.

Obviously, if respondent mailed such easily available Order to Mr. Straus, he would have been held in criminal contempt, incarcerated without benefit of a trial, and still another conviction would have been made the basis of this disciplinary proceeding.

l. Respondent, prior to being notified of a disciplinary proceeding commenced a civil action, including as a party defendant "John Doe, the person who ....". It was only after the hearings were over that respondent learned that "John Doe" was Robert H. Straus, Esq., the prosecuting attorney, a fact that Mr. Straus never revealed to respondent or his appointors, the Grievance Committee or the Appellate Division (cf. Costello v. United States, 350 U.S. 359).

m. This sham disciplinary proceedings was engineered by a group which included, Robert H. Straus, Esq.

When this group, which included those who were involved in the criminal larceny of judicial trust assets, could not obtain convictions, the "due process" method, they, aided and abetted by Mr. Straus, simply arranged these trial-less, sometimes accusing-less, convictions, as predicates for a disciplinary proceeding.

n. In this disciplinary proceeding, all respondent's subpoenas and subpoenas duces tecum were quashed, and he was prohibited from issuing further subpoenas (cf. Amendment VI, XIV, U.S. Constitution).

o. Respondent's assertion that he was entitled to a jury trial in the criminal contempt proceedings, wherein he was not even afforded a trial, was termed "ridiculous" (cf. United States v. Craner, 652 F.2d 23 [9th Cir.]; State v. O'Brien, 704 P2d 905 [Haw], affirming 704 P2d 883; Fisher v. State, 305 Md. 357, 504 A2d 626).

p. When the Referee agreed to "lend" respondent his copy of the transcript during the proceedings, Mr. Straus, ex parte conferred with the Referee, and ex parte caused His Honor to change his opinion (Griffen v. Illinois, 351 U.S. 12).

On six (6) occasions, respondent caught Mr. Straus or members of his staff, speaking ex parte with the Referee.

On one occasion, he caught the Referee engaged in a long conversation with the "star" prosecuting witness, also ex parte.

q. With respondent ready to immediately proceed with the disciplinary hearings, Referee DONALD DIAMOND, operating in tandem with Robert H. Straus, Esq., directed the Sheriff to "break-into" my premises and "seize all word processing equipment and software". As a result thereof, I had to flee my premises in the middle of the night and go "underground". When I requested permission to subpoena the County Clerk's records because my own records were in disarray, the Referee denied same, preventing me from properly presenting my case (U.S. v. Throckmorton, 98 U.S. 61).

r. To say more, would be supererogatory.

POINT I

RESPONDENT SHOULD BE AFFORDED A HEARING AND THE SHOW CAUSE RULE DISCHARGED.

1. Whether respondent was afforded "due process", or his other constitutional rights were confiscated in the state disciplinary proceeeings (In re Ruffalo, 390 U.S. 544, 551; Thread v. U.S., 354 U.S. 278, Selling v. Radford, 243 U.S. 46; Greer's v. Wilkes, 782 F.2d 918 [11th Cir.]; Matter of Thies, 662 F.2d 771 [D.C. Cir.]), or other equities enter, which precludes disbarment or punishment in this Court (Disbarment in the Federal

Courts, 85 Yale L.R. 975), is a matter which can only be intelligently made by an adversarial presentment or the subject of an impartial investigation (cf. Matter of Crow, 359 U.S. 1007).

2a. Sassower v. Sheriff (supra) and Grievance Committee v. Sassower (A.D.2d , 512 N.Y.S.2d 203 [2d Dept.]), dramatically supports respondent's otherwise unbelievable statements that in the state and federal judicial forums, included in the bailiwick of the Second Circuit, an attorney can be tried, sentenced, and incarcerated, without benefit of a trial, for non-summary criminal contempt Bloom v. Illinois (391 U.S. 194) and Nye v. United States (313 U.S. 33) notwithstanding.

Repeated convictions and incarcerations without benefit of a trial, after an inability to obtain convictions, when "due process" is afforded, is simply barbaric!

b. Then, with such unconstitutional convictions as predicates, and without permitting respondent to show their invalidity, he was disbarred by the state courts (Grievance Committee v. G. Sassower, supra).

c. The third, and final, judicial step is when the federal courts are requested to give respect to such state disbarment order, although not a single jurist is willing to represent that such Order, nor the underlying convictions, gave obedience to the United States Constitution, "the supreme law of the land".

Thus, in three (3) steps, instead of one (1), there is an attempt to compel the Circuit and District Courts to circumvent the Act of March 2, 1831 (Nye v. United States, supra; Ex parte Robinson, 19 Wall [86 U.S.] 505).

3. In the state and federal forums of the Second Circuit, to even know that judicial corruption exists, places an attorney in mortal jeopardy (Matter of Snyder, 472 U.S. 634; Garrison v. Louisianna, 379 U.S. 64).

CONCLUSION

THE RULE TO SHOW CAUSE SHOULD BE DISCHARGED AFTER A "DUE PROCESS" HEARING IS AFFORDED TO ALL INTERESTED PARTIES

It serves the judicial purpose that this matter be resolved in a proper judicial proceeding, rather than in the halls of the legislature or the pages of the media.

Dated: May 8, 1987

Respectfully submitted,

GEORGE SASSOWER, Esq.
Attorney for respondent,
pro se.